

Attorney Docket No. 08563-0140
Application No. 10/067,155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
CENTRAL FAX CENTER**

AUG 02 2004

In re Application of Teresa R. Hickok :
: Application No.: 10/067,155 : Group Art Unit: 3732
: Application Filed: February 4, 2002 : Examiner: Manahan, Todd E.

OFFICIAL

For: MICROENDODONTICS ULTRASONIC SURGICAL DENTAL TOOL HAVING
WATER PORT AND METHOD OF MAKING SAME

CORRECTION OF INVENTORSHIP

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant's attorney wishes to thank the Examiner for his assistance and patience in dealing with the correction of inventorship issue. In response to the Examiner's letter of July 13, 2004, provided are the following documents:

1. A signed declaration of Dr. Kim, who is added as inventor.
2. A statement of facts by Dr. Kim;
3. An executed Consent of Assignee form.
4. An executed 3.73 statement by Assignee. Copies of all documents in the chain of title or cross reference to appropriate reel/frame number are provided.
5. The Fee under 37 CFR §1.17(i).
6. A copy of the signed declaration of Teresa R. Hickok, the first and originally named inventor from the application as originally filed.

Attorney Docket No. 08563-0140
Application No. 10/067,155

Dr. Kim is added as a result of a Settlement Agreement in the lawsuit, Dentsply International, Inc. v. Earth City Technologies, Inc., United States District Court for the Eastern District of Missouri, Eastern Division (Case No.: 4:01CV00173HEA). During prosecution of the lawsuit, certain facts were brought to light to indicate that Dr. Kim is a co-inventor of the application as a result of contributions to at least one of the claims of the subject application made during the development of the invention by Ms. Hickok. Nevertheless, this omission was erroneous and without deceptive intent. The assignee of the application has thus acted to comply with 35 U.S.C. §116 and 37 CFR §1.48, to correct inventorship by providing the required declarations, chain of title and other documents to add Dr. Kim as the inventor.

If any questions remain regarding the addition of Dr. Kim as an inventor, the U.S. Patent Office is requested to contact the undersigned.

CONCLUSION

The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to Deposit Account No. 50-1059.

Respectfully submitted,



K. Scott O'Brian
Reg. No. 42,946

Dated: August 2, 2004

McNees Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, Pa 17108-1166
Phone: 717-237-5492
Fax: 717-237-5300
Attorney for Applicant

ATTACHMENTS